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DOCUMENT
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DATE FILED: 9/4/18
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENCOMPASS AVIATION, LLC,

Plaintiff,

-against-

SURF AIR INC. (F/K/A SURF AIRLINES
INC.),

Defendant.

SURF AIR INC. (F/K/A SURF AIRLINES
INC.),

Counter-Claimant,

-against-

ENCOMPASS AVIATION, LLC,

Counter-Defendant,

-and-

ROES 1 through 10,

Third-Party

Defendants.

Civil Action No. 1:18-CV-05530-CM

[Assigned to: _____]

**ORDER TO SHOW CAUSE FOR
ORDER OF REPLEVIN AND
TEMPORARY RESTRAINING
ORDER**

9/4/2018

*Court denied TRO,
request for TRO,
lacks jurisdiction
over counterclaim
for replevin because
the "res" (airplane) not
located in this district -
never in this
state - or
even in*

Upon the affidavit of Sudhin Shahani, sworn to the 30th day of August 2018, the exhibits thereto,
the Declaration of Christopher D. Beatty dated August 30, 2018, the exhibits thereto, the
memorandum of law submitted by defendant/counterclaimant Surf Air Inc. ("Surf Air"), as well
as all prior pleadings filed in this action; it is

MEMO FOR COURT

ORDERED that Plaintiff/Counter-Defendant Encompass Aviation, LLC ("Encompass")

✓ show cause before a motion term of this court, at Room ____, United States Courthouse, 500

✓ Pearl Street, in the City, County and State of New York, on September ____, 2018, at ____

Allen M. Hoch

*This Grant.
advised to bring claim
for replevin where the
plane is located*

o'clock in the _____ thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 64 of the Federal Rules of Civil Procedure and Article 71 of New York Civil Practice Law and Rules granting the remedy of replevin ordering Encompass to return to Surf Air the eight Pilatus PC-12 aircraft that Surf Air leased from TVPX ARS Inc. (the "Aircraft").

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Surf Air's application for an Order of Replevin, pursuant to Fed. R. Civ. P. 65, Encompass is hereby enjoined from using the Aircraft.

✓ **ORDERED** that security in the amount of \$ _____ be posted by Surf Air prior to _____, 2018, at _____ o'clock in the _____ of that day; and it is further

ORDERED that personal service of a copy of this order, annexed affidavit,

✓ memorandum of law and attorney declaration upon counsel for Encompass on or before _____

✓ o'clock in the _____, on September _____, 2018, shall be deemed good and sufficient service thereof.

ORDERED that Encompass shall serve on counsel for Surf Air its responding papers on

✓ or before September _____, 2018 and that Surf Air shall serve on counsel for Encompass reply

✓ papers on or before _____, 2018.

DATED: New York, New York

ISSUED: _____

United States District Judge

